

## **MARKETPLACE ASSISTER CERTIFICATION STANDARDS - DRAFT**

The State of Delaware recommends application of the following criteria to all individuals who seek official recognition and compensation as an MPA for the State of Delaware Health Insurance Exchange Partnership.

### **GENERAL CERTIFICATION STANDARDS:**

Applicants will need to meet the following requirements:

- Complete State specific training program, to be developed in the fourth quarter of 2012 following receipt of the MOU for Consumer Assistance.
- Provide 3 letters of reference from members of the community the applicant serves.
- Provide written attestations to the following requirements:
  - Applicant is not employed by a health insurance issuer; subsidiary of a health insurance issuer, or an association that includes members of or lobbies on behalf of the insurance industry or health insurance issuer.
  - Applicant does not possess any other conflict of interest that would prohibit the objective exercise of the individual's official or professional responsibilities.<sup>1</sup>
  - Applicant agrees to comply with professionally accepted ethical standards in the course of carrying out the individual's official and professional responsibilities.<sup>2</sup>
  - Applicant does not receive direct or indirect payments from any health insurance issuer in connection with the enrollment of any qualified individuals or qualified employees in a Qualified Health Plan (QHP) as explicitly prohibited by Federal law.
  - Applicant does not receive compensation of any kind from any other entity for enrolling individuals in health plans, and agrees to disclose any past compensation earned and received from plans during the previous 24 months, reason for compensation, and whether the applicant intends to receive future compensation from any plan or insurer in the health care community.
  - Applicant commits to participating in on-going training following initial certification.
  - Applicant agrees to a criminal background check in accordance with State and Federal rules.<sup>3</sup> Please note that the appearance of past offenses in a background check will not automatically exclude the applicant from consideration. Applicants will be evaluated on a case by case basis.
  - Applicant agrees to put consumer safety first in carrying out the duties of the Navigator.

- Applicant is lawfully present.
- Applicant is at least 18 years of age.
- Applicant can demonstrate basic computer and internet skills or indicate a willingness to learn.

1. **DEFINITION OF “CONFLICT OF INTEREST”:** Any private or personal interest sufficient to influence or appear to influence the objective exercise of the entity’s official or professional responsibilities.

2. **DEFINITION OF “PROFESSIONALLY ACCEPTED ETHICAL STANDARDS”**

- a) The individual will treat each consumer with respect, acceptance and dignity;
- b) The individual will not knowingly misrepresent applicant eligibility information;
- c) The individual will not knowingly misrepresent his/her capability to act as an MPA, nor fail to comply with certification standards;
- d) The individual will not provide advice to a consumer that identifies in which QHP or program the consumer should enroll. MPAs will discuss the options available and provide impartial information about the distinctions among plans, and only consumers will make decisions regarding in which plan or program to enroll;
- e) The individual will protect the consumer’s right to privacy and confidentiality regarding health and immigration status, including information protected under the Health Insurance Portability and Accountability Act (HIPAA) and in compliance with the Freedom of Information Act (5 U.S.C 552), 42 CFR. Part 401, and 45 CFR Parts 2 and 5;
- f) The individual will protect the integrity, safety, and security of consumer records in compliance with the CMS policies, procedures, and guidelines in the *CMS Information Security “Virtual” Handbook* at <http://www.cms.hhs.gov/informationsecurity>;
- g) The individual will provide services without discrimination or preference based on age, ethnicity, culture, race, disability, gender, religion, sexual orientation or socioeconomic status;
- h) The individual will respect individuals and groups, their cultures and beliefs; and
- i) The individual will act with integrity, honesty, genuineness, and objectivity.

3. **CRIMINAL BACKGROUND CHECK PROCESS**

On submission of MPA application materials and completion of training, the State will begin the process of completing a criminal background check.

Past criminal offenses will not automatically exclude an individual from consideration. Applicants will be evaluated on a case by case basis to determine whether any past criminal offense should prevent an individual from successfully performing the duties of a Marketplace Assister

Individuals may be granted conditional approval of their application prior to the completion of the background check. However, during the conditional approval period, individuals are prohibited from requesting, receiving or transacting any personal consumer information. The scope of the individual's work during this time is limited to the dissemination of approved Exchange information to the consumer.

## **RECERTIFICATION**

Delaware is considering a requirement for initial recertification after the first year of successful operation, and every two years thereafter. While the complete business processes to support this function is under development, the key standards for recertification will include:

- Review of services provided during the following year against specified performance metrics
- Continued compliance with all State training requirements
- Reaffirmation of the attestations required for initial certification
- Review of any complaints received and disposition of those complaints

## **DECERTIFICATION**

While the complete business processes to support decertification are also under development, the key standards will include the following:

- MPA does not meet specific quality or other standards
- MPA demonstrates conduct that is not within professionally-accepted ethical standards
- MPA experiences a change in the status of any of the attestations that result in the Navigator not meeting requirements for participation
- MPA shows unresolved or ongoing consumer complaints regarding the Navigator or MPA.